



***Town of Tyngsborough
Conservation Commission***

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Minutes
January 22, 2013
APPROVED

Present:

BM: Brian Martin **PM:** Pat Mical **LG:** Lucy Gertz **ES:** Ed Smith **LB:** Linda Bown
JE: Jerry Earl **MM:** Matt Marro

Absent:

JK: Jeff Kablik

Attachments:

1. Agenda
2. 422 Middlesex Rd. Revised NOI Filing – 11/1/12
3. 422 Middlesex Rd. Whitman & Bingham Peer Rvw. – 1/8/13
4. 422 Middlesex Rd. Meisner Brem Response to Peer Rvw. – 1/18/13
5. 70 Chestnut Rd. NOI Design Plans – 12/12/12
6. 37 Mascuppic Trail NOI Filing – 12/27/12
7. 16 Gloria Ave. Director Determination – 1/10/13
8. 79 Mascuppic Trail Director Determination – 1/10/13

7:00pm BM opened meeting

7:02pm **422 Middlesex Rd. (M12, P29A) – Notice of Intent, DEP# 3089-0821** for the proposed construction of an access roadway over an existing wetland system in order to accommodate a proposed commercial development. Continued from 12/11/12.

Engineer Jeff Brem of Meisner Brem appeared before the Commission to respond to the Commission's peer review report by Whitman & Bingham engineers. Brian Milisci appeared for the Commission where he summarized the 15 general comments on the plans that were minor in nature and were addressed by Mr. Brem. The Commission asked to condition the test pits, the retaining wall design plans, and the use of calcium chloride as a de-icer. All other stormwater related comments were adequately addressed by the applicant. The Commission had previously walked the property and felt that the plans were well done and that all of their concerns were addressed. In addition, the applicant has received their general permit from the Army Corp. of Engineers and will not be affected by any changes or conditions imposed by the Commission. There were no abutters present to speak on this project.

ES: Motion to close the public portion of the hearing

PM: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

ES: Motion to issue a Standard Order of Conditions for the proposed wetland crossing at 422 Middlesex Road with the following conditions: 1. Test pits should be performed to verify the depth to groundwater at the detention basin and water quality swale locations prior to construction; any modifications should be submitted to the Commission for review by Whitman & Bingham. 2. Retaining wall design plans must be submitted prior to construction. 3. (Permanent Condition): The use of calcium Chloride should be used on the bridge for de-icing and re-evaluated in 4 years. 4. Certification of the de-icing effects on the bridge hardware should be forwarded to the Commission. 5. Pre-construction conference should be held 48 hours prior to construction.

PM: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

7:15pm **70 Chestnut Rd. (M8, P13, L0) – Notice of Intent, DEP# 309-0861** for the proposed construction of a single family dwelling including septic system, potable water well, driveway and associated grading within 100ft. of a bordering vegetated wetland.

ES: Motion to waive the reading of the abutters list and legal notice.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Brian Milisci of Whitman & Bingham appeared before the Commission for the applicant. Mr. Milisici explained that the wetlands were recently delineated in an approved ANRAD filing. In addition, the applicant is also currently filing with the Board of Health for the septic system and is scheduled to be heard on February 11, 2013. The applicant is proposing a 4 bedroom single family dwelling that will meet all R-1 district zoning requirements. Part of the home will be in the 50' no build zone and the applicant is asking for a waiver. It should be noted that this lot has been in existence long before the local by-law went into effect, and therefore, it is grandfathered from the 50' no build by-law. The owner contends that the wetlands on the lot were increased due to a storm drain that was installed by the town when Primrose Lane and the Jacques Ridge subdivision went in. Abutters from 66 and 72 Chestnut Rd. were present and spoke against the project.

The Commission decided to schedule a site visit at the property for 1/26/13 at 9am. All are welcome to attend.

ES: Motion to continue this hearing until February 12, 2013 at 7pm.

LB: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

7:45pm **37 Mascuppic Trail (M26A, P51, L0) – Notice of Intent, DEP# 309-0862** for the proposed razing of an existing structure and building a single family dwelling with a deck, driveway and associated utilities within 100ft. of a wetland.

Chairman Brian Martin recused himself from this hearing due to his personal acquaintance with the applicants. Member Ed Smith ran the hearing in the absence of Vice Chairman Jeff Kablik.

LB: Motion to waive the reading of the abutters list and legal notice.

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1 Recused: 1

Passes: 5-0-1-1

Engineer for the applicant Maureen Hanley of Norse Environmental appeared before the Commission. Ms. Hanley explained that the existing home will be razed and a new 24' x 34' home will be built 37' from the lake front which is 15' further back than where it stands now at 22'. In addition, they are requesting a waiver of the 50' no build zone due to the "grandfather status" of this lot. She went on to say that the property is on sewer and there would be no flood plain issues. MM reported that the ZBA has granted the necessary relief for the project. Ms. Hanley also noted that the large pine trees in the middle of the lot would be preserved, but requested that the applicant be able to prune the tree closest to the water. MM had no problems with that and noted that the pre and post construction grade would be the same and wouldn't affect the abutting properties.

An abutter at 39 Mascuppic Trail was present and voiced concerns with the stormwater roof-runoff onto her property which is very close. Ms. Hanley noted that there would be gutters installed on the home to mitigate the runoff. The Commission also asked to have a french drain installed on the westerly side of the home to help with the mitigation.

JE: Motion to close the public portion of the hearing

LB: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1 Recused: 1

Passes: 5-0-1-1

JE: Motion to issue a Standard Order of Conditions for 37 Mascuppic Trail with the condition that a french drain be installed on the westerly side of the home and gutters be installed.

LB: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 1 Recused: 1

Passes: 5-0-1-1

8:15pm 208 Middlesex Rd. Conservation Restriction Amendment – Atty. Ray Lyons

Atty. Ray Lyons appeared before the Commission with a minor amendment to the Conservation Restriction that has already been approved by the Commission, and the Board of Selectmen. A clarification was added to the restriction that notes that the home at 208 Middlesex Rd. is the only home that is serviced by the existing septic system. MM signed the Baseline Documentation Report and the Commission signed the amended Conservation restriction document.

ES: Motion to approve the amended Conservation Restriction for 208 Middlesex Rd.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Director's Determination

16 Gloria Ave. – MM reported that the homeowner is proposing to replace an existing deck which would not affect the wetlands.

JE: Motion to approve the Director's Determination to rebuild a deck at 16 Gloria Ave.

LB: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

79 Mascuppic Trail – MM reported that the homeowner wishes to put up a portable canvas boat garage. There would be no issues with the wetlands.

JE: Motion to approve the Director's Determination for a portable canvas boat garage.

PM: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Director's Report

34 Willowdale Ave. – MM noted that there is a floodplain dispute with FEMA and the homeowner.

Reports/Discussion:

- **Sherburne Nature Center/Trails Committee Update:** Nothing at this time.

Administrative:

1. Minutes:

ES: Motion to approve the minutes as written for January 8, 2013.

LB: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

8:45pm

JE: Motion to adjourn

ES: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant